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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,004	12/09/2003	Petteri Yla-Outinen	047092.00148	2834

32294 7590 12/24/2008
SQUIRE, SANDERS & DEMPSEY L.L.P.
8000 TOWERS CRESCENT DRIVE
14TH FLOOR
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EXAMINER	
SMITH, JOSHUA Y	
ART UNIT	**PAPER NUMBER**
2419	

MAIL DATE	DELIVERY MODE
12/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/730,004	Applicant(s) YLA-OUTINEN ET AL.	
	Examiner JOSHUA SMITH	Art Unit 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The amendment filed 07/03/2008 has been entered.

- **Claims 1-44 are pending.**
- **Claims 1-44 stand rejected.**

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

   1. Determining the scope and contents of the prior art.
   2. Ascertaining the differences between the prior art and the claims at issue.
   3. Resolving the level of ordinary skill in the pertinent art.
   4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 1, 14, 15, 24, 26-32, 33, 40, 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow (Document Number: EP 1 089 515 A2) in view of Sridhar (Pub. No.: US 2003/0112829 A1), hereafter referred to as Morrow and Sridhar, respectively.

As for Claim 1, Morrow teaches in paragraph [0010], lines 3-8, improving the efficiency of call control load sharing mechanism among call control servers of a connectionless packet network (substantively the same as “A method of controlling processing load in a packet data network” in the instant invention).

Morrow also teaches in paragraph [0023], lines 14-28, the Round Robin load sharing routine is implemented, and, in paragraph [0024], lines 37-45, the results of this load sharing routine include a new destination address that is entered into the packet, implicitly teaching that the load sharing routine implements load sharing through this destination address alteration, and the new destination address “contains” load sharing information for devices that will receive the packet with the new destination address (substantively the same as “setting a load control information in a predetermined field of a message” and in the instant invention).

Morrow also teaches in paragraph [0021], lines 27-30 and 31-34, and in Fig. 3A, page 10, of a session client server or CSCF process sending an INVITE message to NAT ROUTER/SWITCH (substantively the same as “routing said message in said packet data network” in the instant invention).

Morrow also teaches in paragraph [0022], lines 46-51, of an incoming packet being detected and with it a destination address C, which is used to find and calculate load sharing values and determine a load sharing routine to be used, and, in paragraph [0023], lines 25-31, to find the final destination address C1, C2, or C3, implicitly teaching that a destination address is treated as a value for implementing load sharing and is used to determine which of the CSCF with addresses C1, C2, or C3 will become

the destination to process the packet (substantively the same as "checking said load control information on the routing path of said message" and "selecting a processing resource of said packet data network in response to the result of said checking" in the instant invention). Morrow fails to explicitly teach setting load control information in a predetermined field of a message, checking said load control information on the routing path of said message, and selecting a processing resource of said packet data network in response to the result of said checking. Sridhar explicitly teaches these limitations.

In the same field of endeavor, Sridhar teaches in paragraphs [0017], [0034], and [0051]-[0055], and in FIG. 2, Sheet 1 of 5, and in FIG. 5, Sheet 4 of 5, load balancing fields (item 206, FIG. 2) in a packet where an LB field (FIG. 2) indicates that the packet must be inspected for load-balancing purposes, a TS field (FIG. 2) is a time-stamp field, and a LB field (FIG. 2) is for indicating failure on one or more links connected to a node, and where a packet has these fields set to determine the time it takes to route the packet though a link, and when the packet is received, these fields are inspected and a determination is made by a bandwidth broker to perform load balancing between two links and determine whether to continue to route traffic on a previous link or to re-route traffic on an alternate link (explicitly teaching "setting load control information in a predetermined field of a message", "checking said load control information on the routing path of said message", and "selecting a processing resource of said packet data network in response to the result of said checking"). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Sridhar with the invention of Morrow since Sridhar provides end-to-end load balancing between

two nodes on a ring, which can be implemented in the system of Morrow so that effective load balancing is implemented on links that are outside the load balancing of CSCF devices and augment the load balancing capabilities of Morrow, and Sridhar also provides effective load balancing on a ring, allowing the system of Sridhar to maintain load-balanced connection on a ring network and to implement the routing advantages that a ring network can maintain.

As for Claim 14, Morrow in view of Sridhar as applied to Claim 1 teaches load control information. Morrow further shows in lines 41-54, column 8, and in FIG. 7, page 14, that a message is checked by the NAT to determine if the message is the first message of a transaction yet to be established by the NAT or a message of an already established transaction, implicitly teaching that the message contains sufficient information to determine this.

As for Claim 15, Morrow in view of Sridhar as applied to Claim 1 teaches load control information and a session. Morrow further shows in lines 48-54, column 8, and in FIG. 7, page 14, the NAT can identify the CSCF and the transaction originator if the handshake process has already happened, implicitly teaching that the message contains sufficient information after a handshake process to determine the participants of an established connection.

As for Claim 24, Morrow in view of Sridhar as applied to Claims 1 and 15 teach those limitations. Morrow further teaches extracting information in response to detecting information. Morrow further teaches in paragraph [0022], lines 46-48, when an incoming packet is detected with a destination address of C, the NAT looks it up in the route table, implicitly teaching that the NAT can detect the address of C in the incoming packet and extract it for the purposes of comparing it to the route table.

As for Claim 26, Morrow teaches in paragraph [0022], lines 46-51, of an incoming packet being detected and with it a destination address C, which is used to find and calculate load sharing values and determine a load sharing routine to be used, and, in paragraph [0023], lines 25-31, to find the final destination address C1, C2, or C3, implicitly teaching that a destination address is treated as a value for implementing load sharing and is used to determine which of the CSCF with addresses C1, C2, or C3 will become the destination to process the packet (substantively the same as “a checker configured to check load control information on the routing path of said message” and “a selector configured to select a processing resource of said packet data network” in the instant invention). Morrow fails to explicitly teach checking load control information on the routing path of said message, and selecting a processing resource of said packet data network in response to the result of said checking. Sridhar explicitly teaches these limitations.

In the same field of endeavor, Sridhar teaches in paragraphs [0017], [0034], and [0051]-[0055], and in FIG. 2, Sheet 1 of 5, and in FIG. 5, Sheet 4 of 5, load balancing

fields (item 206, FIG. 2) in a packet where an LB field (FIG. 2) indicates that the packet must be inspected for load-balancing purposes, a TS field (FIG. 2) is a time-stamp field, and a LB field (FIG. 2) is for indicating failure on one or more links connected to a node, and where a packet has these fields set to determine the time it takes to route the packet though a link, and when the packet is received, these fields are inspected and a determination is made by a bandwidth broker to perform load balancing between two links and determine whether to continue to route traffic on a previous link or to re-route traffic on an alternate link (explicitly teaching “checking load control information on the routing path of said message”, and “selecting a processing resource of said packet data network in response to the result of said checking”). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Sridhar with the invention of Morrow since Sridhar provides end-to-end load balancing between two nodes on a ring, which can be implemented in the system of Morrow so that effective load balancing is implemented on links that are outside the load balancing of CSCF devices and augment the load balancing capabilities of Morrow, and Sridhar also provides effective load balancing on a ring, allowing the system of Sridhar to maintain load-balanced connection on a ring network and to implement the routing advantages that a ring network can maintain.

As for Claims 27, Morrow in view of Sridhar and Krause as applied to Claim 26 teach those limitations. Morrow further teaches in paragraph [0016], lines 47-52, of a processor containing multiple call session control functions (CSCF), and, in paragraph

[0018], lines 31-33, 37-38, and 43-51, of CSCFs operating in a connectionless network protocol involving a cellular system.

As for Claim 28, Morrow teaches in paragraph [0022], lines 46-51, of an incoming packet being detected and with it a destination address C, which is used to find and calculate load sharing values and determine a load sharing routine to be used, and, in paragraph [0023], lines 25-31, to find the final destination address C1, C2, or C3, implicitly teaching that a destination address is treated as a value for implementing load sharing and is used to determine which of the CSCF with addresses C1, C2, or C3 will become the destination to process the packet (substantively the same as “a selector is configured to select a predetermined processor node to which said message is distributed” in the instant invention).

As for Claims 29 and 30, Morrow in view of Sridhar as applied to Claim 26 teaches load control information. Morrow further shows in lines 41-54, column 8, and in FIG. 7, page 14, that a message is checked by the NAT to determine if the message is the first message of a transaction yet to be established by the NAT or a message of an already established transaction, implicitly teaching that the message contains sufficient information to determine this.

As for Claim 31, Morrow in view of Sridhar as applied to Claim 30 teaches load control information and a session. Morrow further shows in lines 48-54, column 8, and

in FIG. 7, page 14, the NAT can identify the CSCF and the transaction originator if the handshake process has already happened, implicitly teaching that the message contains sufficient information after a handshake process to determine the participants of an established connection.

As for Claim 32, Morrow teaches in paragraph [0023], lines 14-28, the Round Robin load sharing routine is implemented, and, in paragraph [0024], lines 37-45, the results of this load sharing routine include a new destination address that is entered into the packet, implicitly teaching that the load sharing routine implements load sharing through this destination address alteration, and the new destination address "contains" load sharing information for devices that will receive the packet with the new destination address, and, in paragraph [0022], lines 46-51, of an incoming packet being detected and with it a destination address C, which is used to find and calculate load sharing values and determine a load sharing routine to be used, and, in paragraph [0023], lines 25-31, to find the final destination address C1, C2, or C3, implicitly teaching that a destination address is treated as a value for implementing load sharing and is used to determine which of the CSCF with addresses C1, C2, or C3 will become the destination to process the packet (substantively the same as "a transmitter configured to transmit a message to a packet data network, wherein said apparatus is configured to set into a predetermined field of said message a load control information to select processing resources of dais packet data network" and in the instant invention). Morrow fails to

explicitly teach setting load control information in a predetermined field of a message. Sridhar explicitly teaches these limitations.

In the same field of endeavor, Sridhar teaches in paragraphs [0017], [0034], and [0051]-[0055], and in FIG. 2, Sheet 1 of 5, and in FIG. 5, Sheet 4 of 5, load balancing fields (item 206, FIG. 2) in a packet where an LB field (FIG. 2) indicates that the packet must be inspected for load-balancing purposes, a TS field (FIG. 2) is a time-stamp field, and a LB field (FIG. 2) is for indicating failure on one or more links connected to a node, and where a packet has these fields set to determine the time it takes to route the packet though a link, and when the packet is received, these fields are inspected and a determination is made by a bandwidth broker to perform load balancing between two links and determine whether to continue to route traffic on a previous link or to re-route traffic on an alternate link (explicitly teaching "setting load control information in a predetermined field of a message" in the instant invention). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Sridhar with the invention of Morrow since Sridhar provides end-to-end load balancing between two nodes on a ring, which can be implemented in the system of Morrow so that effective load balancing is implemented on links that are outside the load balancing of CSCF devices and augment the load balancing capabilities of Morrow, and Sridhar also provides effective load balancing on a ring, allowing the system of Sridhar to maintain load-balanced connection on a ring network and to implement the routing advantages that a ring network can maintain.

As for Claim 33, Morrow in view of Sridhar and Krause as applied to Claim 32 teach those limitations. Morrow further teaches in paragraph [0016], lines 47-52, of a processor containing multiple call session control functions (CSCF), and, in paragraph [0018], lines 31-33, 37-38, and 43-51, of CSCFs operating in a connectionless network protocol involving a cellular system.

As for Claim 40, Morrow teaches in paragraph [0023], lines 14-28, the Round Robin load sharing routine is implemented, and, in paragraph [0024], lines 37-45, the results of this load sharing routine include a new destination address that is entered into the packet, implicitly teaching that the load sharing routine implements load sharing through this destination address alteration, and the new destination address "contains" load sharing information for devices that will receive the packet with the new destination address (substantively the same as "set a load control information in a predetermined field of a message" and in the instant invention).

Morrow also teaches in paragraph [0022], lines 46-51, of an incoming packet being detected and with it a destination address C, which is used to find and calculate load sharing values and determine a load sharing routine to be used, and, in paragraph [0023], lines 25-31, to find the final destination address C1, C2, or C3, implicitly teaching that a destination address is treated as a value for implementing load sharing and is used to determine which of the CSCF with addresses C1, C2, or C3 will become the destination to process the packet (substantively the same as "check load control information on the routing path of said message" and "select a processing resource of

said packet data network in response to the result of said checking" in the instant invention). Morrow fails to explicitly teach a first network element configured to set load control information in a predetermined field of a message, and a second network element configured to check said load control information on the routing path of said message and configured to select a processing resource of said packet data network in response to the result of said checking of the load control information. Sridhar teaches these limitations.

In the same field of endeavor, Sridhar teaches in paragraphs [0017], [0034], and [0051]-[0055], and in FIG. 2, Sheet 1 of 5, and in FIG. 5, Sheet 4 of 5, load balancing fields (item 206, FIG. 2) in a packet where an LB field (FIG. 2) indicates that the packet must be inspected for load-balancing purposes, a TS field (FIG. 2) is a time-stamp field, and a LB field (FIG. 2) is for indicating failure on one or more links connected to a node, and where a packet has these fields set to determine the time it takes to route the packet though a link, and when the packet is received, these fields are inspected and a determination is made by a bandwidth broker to perform load balancing between two links and determine whether to continue to route traffic on a previous link or to re-route traffic on an alternate link, and where node B sends a packet to node A with TS=1, LB=1, and R=1 in a packet (FIG. 2) in step 527 (FIG. 5), and node A receives this packet and makes the determination to re-route existing traffic on a new link (explicitly teaching "a first network element configured to set load control information in a predetermined field of a message, and a second network element configured to check said load control information on the routing path of said message and configured to

select a processing resource of said packet data network in response to the result of said checking of the load control information"). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Sridhar with the invention of Morrow since Sridhar provides end-to-end load balancing between two nodes on a ring, which can be implemented in the system of Morrow so that effective load balancing is implemented on links that are outside the load balancing of CSCF devices and augment the load balancing capabilities of Morrow, and Sridhar also provides effective load balancing on a ring, allowing the system of Sridhar to maintain load-balanced connection on a ring network and to implement the routing advantages that a ring network can maintain.

As for Claim 42, Morrow in view of Sridhar and Krause as applied to Claim 40 teach those limitations. Morrow further teaches in paragraph [0016], lines 47-52, of a processor containing multiple call session control functions (CSCF), and, in paragraph [0018], lines 31-33, 37-38, and 43-51, of CSCFs operating in a connectionless network protocol involving a cellular system.

As for Claim 44, Morrow teaches in paragraph [0010], lines 3-8, improving the efficiency of call control load sharing mechanism among call control servers of a connectionless packet network (substantively the same as "A method of controlling processing load in a packet data network" in the instant invention).

Morrow also teaches in paragraph [0023], lines 14-28, the Round Robin load sharing routine is implemented, and, in paragraph [0024], lines 37-45, the results of this load sharing routine include a new destination address that is entered into the packet, implicitly teaching that the load sharing routine implements load sharing through this destination address alteration, and the new destination address “contains” load sharing information for devices that will receive the packet with the new destination address (substantively the same as “setting a load control information in a predetermined field of a message” and in the instant invention).

Morrow also teaches in paragraph [0021], lines 27-30 and 31-34, and in Fig. 3A, page 10, of a session client server or CSCF process sending an INVITE message to NAT ROUTER/SWITCH (substantively the same as “routing said message in said packet data network” in the instant invention).

Morrow also teaches in paragraph [0022], lines 46-51, of an incoming packet being detected and with it a destination address C, which is used to find and calculate load sharing values and determine a load sharing routine to be used, and, in paragraph [0023], lines 25-31, to find the final destination address C1, C2, or C3, implicitly teaching that a destination address is treated as a value for implementing load sharing and is used to determine which of the CSCF with addresses C1, C2, or C3 will become the destination to process the packet (substantively the same as “checking said load control information on the routing path of said message” and “selecting a processing resource of said packet data network in response to the result of said checking” in the instant invention). Morrow fails to teach a computer program embodied on a computer-

readable medium configured to control a processor and Morrow fails to explicitly teach setting load control information in a predetermined field of a message, checking said load control information on the routing path of said message, and selecting a processing resource of said packet data network in response to the result of said checking. Sridhar explicitly teaches these limitations.

In the same field of endeavor, Sridhar teaches in paragraph [0061], a signaling mechanism requires minimal computation and minimal storage at the nodes (a computer program embodied on a computer-readable medium configured to control a processor).

Sridhar teaches in paragraphs [0017], [0034], and [0051]-[0055], and in FIG. 2, Sheet 1 of 5, and in FIG. 5, Sheet 4 of 5, load balancing fields (item 206, FIG. 2) in a packet where an LB field (FIG. 2) indicates that the packet must be inspected for load-balancing purposes, a TS field (FIG. 2) is a time-stamp field, and a LB field (FIG. 2) is for indicating failure on one or more links connected to a node, and where a packet has these fields set to determine the time it takes to route the packet though a link, and when the packet is received, these fields are inspected and a determination is made by a bandwidth broker to perform load balancing between two links and determine whether to continue to route traffic on a previous link or to re-route traffic on an alternate link (explicitly teaching “setting load control information in a predetermined field of a message”, “checking said load control information on the routing path of said message”, and “selecting a processing resource of said packet data network in response to the result of said checking”). It would have been obvious to one of ordinary skill in the art

at the time of the invention to combine the invention of Sridhar with the invention of Morrow since Sridhar provides end-to-end load balancing between two nodes on a ring, which can be implemented in the system of Morrow so that effective load balancing is implemented on links that are outside the load balancing of CSCF devices and augment the load balancing capabilities of Morrow, and Sridhar also provides effective load balancing on a ring, allowing the system of Sridhar to maintain load-balanced connection on a ring network and to implement the routing advantages that a ring network can maintain.

Claims 2, 6-8, 10-13, 18-22 and 35, are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow in view of Sridhar, and further in view of Krause et al. (Patent Number: 5,914,953), hereafter referred to Krause.

As for Claims 2 and 35, Morrow in view of Sridhar as applied to Claims 1 and 32 teach those limitations. Morrow fails to teach a subfield of a user part of an address header. However, in the same field of endeavor, Krause shows in lines 15-25 and 36-40, column 17, and lines 52-63, column 58, and in FIG. 21A, Sheet 18 of 30, of a message packet header field containing a destination ID that contains four sub-fields, and where each sub-field is a predetermined bit length. It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Krause with the invention of Morrow since Krause provides a router processing system that prevents deadlocks and provides fault tolerance, hardware redundancy, and software recovery techniques, enhancing the robustness of the system of Morrow.

As for Claim 6, Morrow teaches in paragraph [0023], lines 16-22, of multiple load sharing values that are utilized in determining the final destination address: values "C", "j", "m", and "n". Morrow does not teach of a plurality of subfields in user part for conveying different types of information.

However, in the same field of endeavor, Krause shows in lines 15-25 and 36-40, column 17, and lines 52-63, column 58, and in FIG. 21A, Sheet 18 of 30, of a message packet header field containing a destination ID that contains four sub-fields, and where each sub-field is designed to carry a different type of information. It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Krause with the invention of Morrow since Krause provides a router processing system that prevents deadlocks and provides fault tolerance, hardware redundancy, and software recovery techniques, enhancing the robustness of the system of Morrow.

As for Claim 7, Morrow in view of Sridhar and Krause as applied to Claim 6 teach those limitations. Morrow fails to teach the user part is parsed and divided into said subfields. Krause teaches these limitations.

In the same field of endeavor, Krause shows in lines 15-25 and 36-40, column 17, and lines 52-63, column 58, and in FIG. 21A, Sheet 18 of 30, of a message packet header field containing a destination ID that is divided into four sub-fields. It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Krause with the invention of Morrow since Krause provides a router

processing system that prevents deadlocks and provides fault tolerance, hardware redundancy, and software recovery techniques, enhancing the robustness of the system of Morrow.

As for Claim 8, Morrow in view of Sridhar and Krause as applied to Claim 6, teach those limitations. Morrow fails to teach the user part is parsed and divided into said subfields. Krause teaches these limitations.

In the same field of endeavor, Krause shows in lines 15-25 and 36-40, column 17, and lines 52-63, column 58, and in FIG. 21A, Sheet 18 of 30, of a message packet header field containing a destination ID with four sub-fields, where the first sub-field is a 14-bit Region ID, the second sub-field is a 6-bit Device ID, the third sub-field is three bits reserved for future expansion, and the fourth sub-field is a Path Select (P) bit. It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Krause with the invention of Morrow since Krause provides a router processing system that prevents deadlocks and provides fault tolerance, hardware redundancy, and software recovery techniques, enhancing the robustness of the system of Morrow.

As for Claim 10, Morrow in view of Sridhar and Krause as applied to Claim 1 teach those limitations. Morrow fails to teach a virtual address is shared by a plurality of processor nodes. However, in the same field of endeavor, Krause shows in lines 56-61, column 58, of a Destination ID containing a Device ID, which is indicative of the

particular device within a particular region. It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Krause with the invention of Morrow since Krause provides a router processing system that prevents deadlocks and provides fault tolerance, hardware redundancy, and software recovery techniques, enhancing the robustness of the system of Morrow.

As for Claims 11, Morrow in view of Sridhar and Krause as applied to Claim 10 teach those limitations. Morrow further teaches in paragraph [0016], lines 47-52, of a processor containing multiple call session control functions (CSCF), and, in paragraph [0018], lines 31-33, 37-38, and 43-51, of CSCFs operating in a connectionless network protocol involving a cellular system.

As for Claim 12, Morrow in view of Sridhar and Krause as applied to Claim 2 teach those limitations. Morrow fails to teach a port number indicating a port for receiving. Krause further teaches in line 47, column 63, of a 3-bit target port number, and, in lines 8-9, column 64, of input ports. It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Krause with the invention of Morrow since Krause provides a router processing system that prevents deadlocks and provides fault tolerance, hardware redundancy, and software recovery techniques, enhancing the robustness of the system of Morrow.

As for Claim 13, Morrow in view of Sridhar and Krause as applied to Claims 2 and 12 teach those limitations. Morrow fails to teach a second port. Krause further teaches in lines 8-9, column 64, of two or more input ports. It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Krause with the invention of Morrow since Krause provides a router processing system that prevents deadlocks and provides fault tolerance, hardware redundancy, and software recovery techniques, enhancing the robustness of the system of Morrow.

As for Claim 18, Morrow in view of Sridhar and Krause as applied to Claim 1 teach those limitations. Morrow fails to teach a part of a host name of a header field. However, in the same field of endeavor, Krause shows in lines 55-61, column 58, of a Destination ID of a packet containing a Device ID, which is indicative of the particular device within a particular region. It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Krause with the invention of Morrow since Krause provides a router processing system that prevents deadlocks and provides fault tolerance, hardware redundancy, and software recovery techniques, enhancing the robustness of the system of Morrow.

As for Claim 19, Morrow teaches in paragraph [0023], lines 16-22, of multiple load sharing values that are utilized in determining the final destination address: values “C”, “j”, “m”, and “n”. Morrow does not teach load control information is set as parameter of a header field. Krause teaches these limitations.

However, in the same field of endeavor, Krause shows in lines 15-25 and 36-40, column 17, and lines 52-63, column 58, and in FIG. 21A, Sheet 18 of 30, of a message packet header field containing a destination ID that contains four sub-fields, and where each sub-field is designed to carry a different type of information. It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Krause with the invention of Morrow since Krause provides a router processing system that prevents deadlocks and provides fault tolerance, hardware redundancy, and software recovery techniques, enhancing the robustness of the system of Morrow.

As for Claim 20, Morrow in view of Sridhar and Krause as applied to Claim 1 teach those limitations. Morrow fails to teach a port number indicating a port for receiving. Krause further teaches in line 47, column 63, of a 3-bit target port number, and, in lines 8-9, column 64, of input ports. It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Krause with the invention of Morrow since Krause provides a router processing system that prevents deadlocks and provides fault tolerance, hardware redundancy, and software recovery techniques, enhancing the robustness of the system of Morrow.

As for Claim 21, Morrow in view of Sridhar and Krause as applied to Claims 1, 12, and 13 teach those limitations. Morrow further shows differentiating between a first message form subsequent messages. Morrow further shows in lines 41-54, column 8, and in FIG. 7, page 14, that a message is checked by the NAT to determine if the

message is the first message of a transaction yet to be established or a message of an already established transaction, implicitly teaching that the message contains sufficient information to determine this.

As for Claim 22, Morrow in view of Sridhar and Krause as applied to Claim 1 teach those limitations. Morrow fails to teach an extension header field. However, in the same field of endeavor, Krause shows in lines 15-25 and 36-40, column 17, and lines 52-63, column 58, and in FIG. 21A, Sheet 18 of 30, of a message packet header field containing a destination ID with four sub-fields, where the third sub-field is three bits reserved for future expansion (see item RSVD, in FIG. 21A, Sheet 18 of 30). It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Krause with the invention of Morrow since Krause provides a router processing system that prevents deadlocks and provides fault tolerance, hardware redundancy, and software recovery techniques, enhancing the robustness of the system of Morrow.

Claims 3-5 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow in view of Sridhar, Krause, and further in view of Orton et al. (US 6,678,735 B1), hereafter referred to as Orton.

As for Claim 3, Morrow in view of Sridhar as applied to Claims 1 and 2 teach those limitations. Morrow fails to teach except a via branch of a SIP message. However, in the same field of endeavor, Orton teaches in lines 30-34, column 1, a Via

header of a SIP message. It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Orton with the invention of Morrow since Orton provides a method and apparatus that allows efficient operation of SIP by processing application non-essential information, such as routing information, in such a way that an application program is not detracted from its essential task, allowing the system elements of Morrow to connect to SIP without their application programs being overburdened.

As for Claim 4, Morrow in view of Sridhar as applied to Claim 1 teach those limitations. Morrow fails to teach copying from one predetermined filed to another. Marrow further shows in paragraph [0021], lines 27-37, and in FIG. 3A, page 10, item CSCF 2 receives an INVITE message with C2 as the destination address, and then puts the C2 address in the source address of the TRYING message. It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Orton with the invention of Morrow since Orton provides a method and apparatus that allows efficient operation of SIP by processing application non-essential information, such as routing information, in such a way that an application program is not detracted from its essential task, allowing the system elements of Morrow to connect to SIP without their application programs being overburdened.

As for Claims 5 and 36, Morrow in view of Sridhar as applied to Claims 1 and 35 teach those limitations. Morrow fails to teach URI of a SIP Route header. However,

in the same field of endeavor, Orton teaches in lines 14-15, column 10, Route headers, and, lines 24-25 and 42-44, column 11, and in FIG. 14, Sheet 8 of 8, of SIP message containing Uniform Resource Identifier (URI). It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Orton with the invention of Morrow since Orton provides a method and apparatus that allows efficient operation of SIP by processing application non-essential information, such as routing information, in such a way that an application program is not detracted from its essential task, allowing the system elements of Morrow to connect to SIP without their application programs being overburdened.

Claims 9 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow in view of Sridhar, Krause, and further in view of Sanchez Herrero et al. (Patent No.: US 7,177,642 B2), hereafter referred to as Sanchez Herrero.

As for Claim 9, Morrow in view of Sridhar as applied to Claim 6 teach those limitations. Morrow fails to teach except separation by bit string, character, or character string. However, in the same field of endeavor, Krause shows in lines 15-25 and 36-40, column 17, and lines 52-63, column 58, and in FIG. 21A, Sheet 18 of 30, of a Device ID separated from a path select bit (P) by 3 bits of the 3-bit RSVD field. It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Krause with the invention of Morrow since Krause provides a router processing system that prevents deadlocks and provides fault tolerance, hardware

redundancy, and software recovery techniques, enhancing the robustness of the system of Morrow.

In the same field of endeavor, Sanchez Herrero shows in line 51, column 4, a server name with two periods "." separated by a string of characters "wcom", and where "server2" is separated from "wcom" by a single period ".". It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Sanchez Herrero with the invention of Morrow since Sanchez Herrero provides a method and system where a user is allowed to register into a system from different terminals simultaneously and can receive calls for any of these terminals through one public-ID associated to a single subscription, allowing the system of Morrow to provide such a service to users.

As for Claim 34, Morrow teaches in paragraph [0016], lines 47-54, call session control functions (CSCFs). Morrow does not teach of P-SCSF, I-CSCF, and S-CSCF. However, in the same field of endeavor, Sanchez Herrero teaches in lines 13-14, 17-18, and 22, column 7, and in FIG. 5, Sheet 5 of 8, Proxy Call State Control Function (P-CSCF), Interrogating Call State Control Function (I-CSCF), and Serving Call State Control Function (S-CSCF). It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Sanchez Herrero with the invention of Morrow since Sanchez Herrero provides a method and system where a user is allowed to register into a system from different terminals simultaneously and can receive calls

for any of these terminals through one public-ID associated to a single subscription, allowing the system of Morrow to provide such a service to users.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow in view of Sridhar, Krause, Oroton, and Sanchez Herrero.

As for Claim 16, Morrow in view of Sridhar as applied to Claim 1 teach those limitations. Morrow fails to teach a via header field or a contact header field of a SIP session initiation protocol message. Orton teaches a via header field of a SIP session initiation protocol message, and Sanchez Herrero teaches contact headers.

In the same field of endeavor, Orton teaches in lines 30-34, column 1, a Via header of a SIP message. It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Orton with the invention of Morrow since Orton provides a method and apparatus that allows efficient operation of SIP by processing application non-essential information, such as routing information, in such a way that an application program is not detracted from its essential task, allowing the system elements of Morrow to connect to SIP without their application programs being overburdened.

In the same field of endeavor, Sanchez Herrero teaches in lines 45-46, column 4, of “Contact” headers. It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Sanchez Herrero with the invention of Morrow since Sanchez Herrero provides a method and system where a user is allowed to register into a system from different terminals simultaneously and can receive calls for

any of these terminals through one public-ID associated to a single subscription, allowing the system of Morrow to provide such a service to users.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow in view of Sirdhar, and further in view of Inoue et al. (Patent No.: US 6,501,767 B1), hereafter referred to as Inoue.

As for Claim 17, Morrow in view of Sridhar as applied to Claim 14 teach those limitations. Morrow fails to teach hidden information not meaningful to other networks. Inoue teaches these limitations.

In the same field of endeavor, Inoue teaches in column 11, lines 12-22, encryption of packets to be transmitted from a input/output unit to an external network, and packets received from an external network are decrypted (hidden information not meaningful to other networks). It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Inoue with the invention of Morrow since Inoue provides a method of encrypting data when communicating over an external network and protecting the data.

Claims 23 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow in view of Sridhar, Krause, and further in view of Fredericks et al. (Patent Number: 6,115,361), hereafter referred to as Fredericks.

As for Claim 23 and 37, Morrow in view of Sridhar and Krause as applied to Claims 14, 18, 19 and 20 teaches those limitations. Morrow fails to teach information is

set in the payload of the message. However, in the same field of endeavor, Fredericks teaches in lines 7-10, column 2, upon receipt of a packet having a recognized service code in the header, a receiving device knows that the payload data is not regular information traffic, and, in lines 2-3, column 6, The first word in the payload specifies the Command Code. It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Fredericks with the invention of Morrow since Fredericks provides a method where network elements can cooperate and communicate for quickly reporting link failures and to facilitate link failure diagnosis and remedial action, allowing the system of Morrow to be more robust in dealing with link failures.

As for Claim 38, Morrow in view of Sridhar as applied to Claim 37 teaches load control information. Morrow further shows in lines 41-54, column 8, and in FIG. 7, page 14, that a message is checked by the NAT to determine if the message is the first message of a transaction yet to be established by the NAT or a message of an already established transaction, implicitly teaching that the message contains sufficient information to determine this.

As for Claim 39, Morrow in view of Sridhar as applied to Claim 38 teaches load control information and a session. Morrow further shows in lines 48-54, column 8, and in FIG. 7, page 14, the NAT can identify the CSCF and the transaction originator if the handshake process has already happened, implicitly teaching that the message

contains sufficient information after a handshake process to determine the participants of an established connection.

Claims 25 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow in view of Sridhar and Fredericks.

As for Claim 25 and 41, Morrow teaches in paragraph [0010], lines 3-8, improving the efficiency of call control load sharing mechanism among call control servers of a connectionless packet network (substantively the same as “A method of controlling processing load in a packet data network” in the instant invention).

Morrow also teaches in paragraph [0023], lines 14-28, the Round Robin load sharing routine is implemented, and, in paragraph [0024], lines 37-45, the results of this load sharing routine include a new destination address that is entered into the packet, implicitly teaching that the load sharing routine implements load sharing through this destination address alteration, and the new destination address “contains” load sharing information for devices that will receive the packet with the new destination address (substantively the same as “setting a load control information in a predetermined field of a message” and in the instant invention).

Morrow also teaches in paragraph [0021], lines 27-30 and 31-34, and in Fig. 3A, page 10, of a session client server or CSCF process sending an INVITE message to NAT ROUTER/SWITCH (substantively the same as “routing said message in said packet data network” in the instant invention).

Morrow also teaches in paragraph [0022], lines 46-51, of an incoming packet being detected and with it a destination address C, which is used to find and calculate load sharing values and determine a load sharing routine to be used, and, in paragraph [0023], lines 25-31, to find the final destination address C1, C2, or C3, implicitly teaching that a destination address is treated as a value for implementing load sharing and is used to determine which of the CSCF with addresses C1, C2, or C3 will become the destination to process the packet (substantively the same as “checking said load control information on the routing path of said message” and “selecting a processing resource of said packet data network in response to the result of said checking” in the instant invention). Morrow fails to explicitly teach setting load control information in a predetermined field of a message, checking said load control information on the routing path of said message, and selecting a processing resource of said packet data network in response to the result of said checking, and storing received information. Sridhar explicitly teaches these limitations.

In the same field of endeavor, Sridhar teaches in paragraphs [0017], [0034], and [0051]-[0055], and in FIG. 2, Sheet 1 of 5, and in FIG. 5, Sheet 4 of 5, load balancing fields (item 206, FIG. 2) in a packet where an LB field (FIG. 2) indicates that the packet must be inspected for load-balancing purposes, a TS field (FIG. 2) is a time-stamp field, and a LB field (FIG. 2) is for indicating failure on one or more links connected to a node, and where a packet has these fields set to determine the time it takes to route the packet though a link, and when the packet is received, these fields are inspected and a determination is made by a bandwidth broker to perform load balancing between two

links and determine whether to continue to route traffic on a previous link or to re-route traffic on an alternate link, and where node B sends a packet to node A with TS=1, LB=1, and R=1 in a packet (FIG. 2) in step 527 (FIG. 5), and node A receives this packet and makes the determination to re-route existing traffic on a new link (explicitly teaching “a first network element configured to set load control information in a predetermined field of a message, and a second network element configured to check said load control information on the routing path of said message and configured to select a processing resource of said packet data network in response to the result of said checking of the load control information”). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Sridhar with the invention of Morrow since Sridhar provides end-to-end load balancing between two nodes on a ring, which can be implemented in the system of Morrow so that effective load balancing is implemented on links that are outside the load balancing of CSCF devices and augment the load balancing capabilities of Morrow, and Sridhar also provides effective load balancing on a ring, allowing the system of Sridhar to maintain load-balanced connection on a ring network and to implement the routing advantages that a ring network can maintain.

In the same field of endeavor, Fredericks teaches in lines 66, column 4, to line 3, column 5, of devices that support a certain service maintain a registration list (e.g., a database, stack, or equivalent data structure) containing addresses of other devices from which it received requests, and, in lines 19-27, column 5, each device can exchange requests and maintain lists and, in lines. It would have been obvious to one

skilled in the art at the time of the invention to combine the invention of Fredericks with the invention of Morrow since Fredericks provides a method for efficiently reporting network link failures among network elements, allowing the network of Morrow to identify network problems and to compensate for and bypass such failures.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow in view of Sridhar and Sanchez Herrero.

As for Claim 43, Morrow teaches in paragraph [0022], lines 46-51, of an incoming packet being detected and with it a destination address C, which is used to find and calculate load sharing values and determine a load sharing routine to be used, and, in paragraph [0023], lines 25-31, to find the final destination address C1, C2, or C3, implicitly teaching that a destination address is treated as a value for implementing load sharing and is used to determine which of the CSCF with addresses C1, C2, or C3 will become the destination to process the packet (substantively the same as "a checker configured to check load control information on the routing path of said message" and "a selector configured to select a processing resource of said packet data network" in the instant invention). Morrow does not teach of P-SCSF, I-CSCF, and S-CSCF, and Morrow fails to explicitly teach checking load control information on the routing path of said message, and selecting a processing resource of said packet data network in response to the result of said checking. Sridhar explicitly teaches checking load control information on the routing path of said message, and selecting a processing resource of

said packet data network in response to the result of said checking, and Sanchez Herrero teaches P-SCSF, I-CSCF, and S-CSCF.

In the same field of endeavor, Sridhar teaches in paragraphs [0017], [0034], and [0051]-[0055], and in FIG. 2, Sheet 1 of 5, and in FIG. 5, Sheet 4 of 5, load balancing fields (item 206, FIG. 2) in a packet where an LB field (FIG. 2) indicates that the packet must be inspected for load-balancing purposes, a TS field (FIG. 2) is a time-stamp field, and a LB field (FIG. 2) is for indicating failure on one or more links connected to a node, and where a packet has these fields set to determine the time it takes to route the packet though a link, and when the packet is received, these fields are inspected and a determination is made by a bandwidth broker to perform load balancing between two links and determine whether to continue to route traffic on a previous link or to re-route traffic on an alternate link (explicitly teaching “checking load control information on the routing path of said message”, and “selecting a processing resource of said packet data network in response to the result of said checking”). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Sridhar with the invention of Morrow since Sridhar provides end-to-end load balancing between two nodes on a ring, which can be implemented in the system of Morrow so that effective load balancing is implemented on links that are outside the load balancing of CSCF devices and augment the load balancing capabilities of Morrow, and Sridhar also provides effective load balancing on a ring, allowing the system of Sridhar to maintain load-balanced connection on a ring network and to implement the routing advantages that a ring network can maintain.

In the same field of endeavor, Sanchez Herrero teaches in lines 13-14, 17-18, and 22, column 7, and in FIG. 5, Sheet 5 of 8, Proxy Call State Control Function (P-CSCF), Interrogating Call State Control Function (I-CSCF), and Serving Call State Control Function (S-CSCF). It would have been obvious to one skilled in the art at the time of the invention to combine the invention of Sanchez Herrero with the invention of Morrow since Sanchez Herrero provides a method and system where a user is allowed to register into a system from different terminals simultaneously and can receive calls for any of these terminals through one public-ID associated to a single subscription, allowing the system of Morrow to provide such a service to users.

Response to Arguments

I. Arguments for Claim Rejections under 35 USC § 103.

Applicant's arguments filed 07/03/2008 have been fully considered but they are not persuasive. Applicants submit that paragraph [0022] of Morrow merely describes using of route table entries "1" and "f" for indicating IP addresses and address translation, respectively. Examiner respectfully disagrees this is sufficient for the withdrawal of the rejections of Applicants' claims. Where a CSCF is substantively the same as a "processing resource of a said packet data network" in the instant invention, the process of Morrow of selecting a final destination address of a CSCF based on looking up a route table using a detected destination address of a received packet is substantively the same as "selecting a processing resource of said packet data network in response to the result of said checking" in the instant invention, since a CSCF is

"selected" in response to "checking" a routing table involving a load sharing routine. As a result, Morrow teaches the limitations "selecting a processing resource of said packet data network in response to the result of said checking" in the instant invention.

Applicants also submit that Morrow describes that a route update message may be received by the NAT 14 and checked with respect to the load sharing status of each CSCF, and, Similarly, in step 76 of Fig. 6C, an alternative is described where the parameters T and n are told explicitly in the message, such that these parameters are set in this route update message, but these parameters are not "load control information," as recited, for example, in claim 1, and, for example, n indicates how many CSCFs are usable (column 6, lines 21 and 22 of Morrow), and T indicates a scope value or scope number (paragraph [0028] of Morrow). Examiner respectfully disagrees this is sufficient for the withdrawal of the rejections of Applicants' claims. Despite these specific aspects of the system of Morrow, the fact remains that Morrow teaches in paragraphs [0021] and [0022] that when a NAT 14 looks up a route table 24 in step 34 and finds a corresponding route entry I, it then access a particular field f in step 36 to determine what kind of load sharing routine should be applied to determine a CSCF an incoming packet should be forwarded to, and where this "load sharing routine" and a determined destination address resulting from its application can be reasonably interpreted as types of "load control information", since a "load sharing routine" allows a sharing of incoming load among CSCFs and determined destination addresses are formed from a "load sharing routine".

Applicants also submit that Morrow does not disclose or suggest performing a selection of processing resources in response to the result of a checking step in which the control information of the route update message is checked, and, specifically, the load control is not suggested to be performed using the route update message itself, and, instead, the route update message disclosed in Morrow is a separate load balancing message, and, in contrast, the pending claims recite that the load balancing information is sent in a normal message with other normal content. Examiner respectfully disagrees this is sufficient for the withdrawal of the rejections of Applicants' claims. Morrow teaches in paragraphs [0021] and [0022] that, through the processing a the NAT 14, a destination address C of an incoming packet is processed by a load sharing routine to determine a CSCF final destination address, and, as a result, a destination address C of an incoming packet is utilized by a load sharing routine as information for load sharing among CSCFs, and, as a result, a destination address C of an incoming packet can be reasonably interpreted as load sharing information, since it is through a destination address C of an incoming packet that a load sharing routine determines a load sharing result in the form of a CSCF final destination address. In any case, as discussed in the rejection of Claim 1, the limitations "setting load control information in a predetermined field of a message" is explicitly taught by the Sridhar reference, where Sridhar teaches in paragraphs [0017], [0034], and [0051]-[0055], and in FIG. 2, Sheet 1 of 5, and in FIG. 5, Sheet 4 of 5, load balancing fields (item 206, FIG. 2) in a packet where an LB field (FIG. 2) indicates that the packet must be inspected for

load-balancing purposes, and, in paragraph [0052], such a packet originates from a node A and where its LB field is examined at node B.

Applicants also submit that according to Sridhar, the LB field is used to trigger a processing between neighboring nodes of the resilient packet ring, and, thus, a packet with a load control information is not routed in a packet data network, as recited in Applicants' claim 1. Examiner respectfully disagrees this is sufficient for the withdrawal of the rejections of Applicants' claims. Sridhar teaches in paragraph [0031], and in FIG. 2, an RPR <u>**packet**</u> 200 comprising RPR <u>**payload**</u> 201b and an RPR header 201a for implementing the teachings of Sridhar, and where a RPR header 201a includes a plurality of load balancing specific fields 206, and Sridhar also teaches in paragraph [0014], an resilient <u>**packet**</u> ring ("RPR") <u>**network**</u>, which is substantively the same as a "packet data network" of Applicants.

Applicants also submit that the load control information in Sridhar is not checked on the routing path, as also recited in Applicants' claim 1, and, rather, Sridhar discloses that the load control information is checked at the other end of a transmission link and is not indented to be routed any further. Examiner respectfully disagrees this is sufficient for the withdrawal of the rejections of Applicants' claims. Sridhar teaches in paragraphs [0052]—[0054], and in FIG. 1, that traffic goes from node A to node B via a link α and node A sends the packet to node B via link α, and then node B examines the LB field and then sends the packet via a reverse link (link e), and then node A examines the LB field and then sends the packet to node B via links a-b-c-d, and then node B examines the LB field and then sends the packet to node A on links β-γ-δ-ε. As a result, Sridhar

clearly teaches that load control information of a packet is checked on a routing path, and that load control information of a packet is checked at the other end of a transmission link and is then routed further. Claim 1 of Applicants do not contain limitations that clearly distinguish from the teachings of the combination of Morrow and Sridhar.

Applicants also submit that the load control information in Sridhar is not used for selecting a processing resource, as recited in claim 1, and Sridhar instead discloses using the load control information to select whether the packet is to be returned or not, and that this use of the load control information is not equivalent to the limitation in Applicants' claim 1 of using the load control information to select a processing resource of the packet data network. Examiner respectfully disagrees this is sufficient for the withdrawal of the rejections of Applicants' claims. Sridhar teaches in paragraphs [0052]—[0054], and in FIG. 1, node A computes the results obtained from transmitting a packet indicates that a path comprising links a-b-c-d has a smaller delay than a path comprising link α, and then node A conducts signaling that re-routes some or all of existing traffic onto links a-b-c-d. Since the links of the network can be reasonably interpreted as resources of a packet data network, node A selects resources of a packet data network based on examining load balancing information (LB field and TS field) of a packet, and since Morrow teaches a process of selecting a CSCF to process a packet, the combination of Morrow and Sridhar teaches the limitations "selecting a processing resource of said packet data network in response to the result of said checking" of Claim 1 of Applicants'.

Applicants also submit that the disclosures of Morrow and Sridhar are technically incompatible and cannot be combined without undue experimentation. Examiner respectfully disagrees this is sufficient for the withdrawal of the rejections of Applicants' claims. Both the Morrow reference and the Sridhar reference are concerned with adjusting loads on network resources, and the loads are adjusted based on information obtained from within packets.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA SMITH whose telephone number is (571)270-

1826. The examiner can normally be reached on Monday-Thursday 9:30am-7pm, Alternating Fridays 9:30am-6pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joshua Smith
Patent Examiner
11 December 2008

/Hassan Kizou/
Supervisory Patent Examiner, Art Unit 2419